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April 21, 2017

VIA ECF

The Honorable Kiyo Matsumoto  
United States District Judge  
United States District Court for the Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: United States v. Evan Greebel, 15 Cr. 637 (E.D.N.Y.)

Dear Judge Matsumoto:

We write to respectfully request that the Court postpone the oral argument scheduled by the Court yesterday for Mr. Greebel's motion to strike the surplusage in Paragraph 7 of the Superseding Indictment and motion to dismiss Count Eight for failure to identify a specific unlawful objective of the charged conspiracy.

The reason for our request is that the undersigned counsel, Reed Brodsky and Winston Chan, will be taking and defending depositions in the Northern District of California next week in connection with our representation of plaintiffs in an expedited proceeding before the Delaware Chancery Court in a case captioned *Partner Investments, L.P. v. Theranos, Inc.*, C.A. No. 12816-VCL (Del. Ch. 2016). Fact discovery in that case is scheduled to conclude on May 7, 2017 except where the parties mutually agreed to extend certain discovery beyond the deadline due to scheduling conflicts. Because we will also be taking and defending depositions in the Northern District of California the following week and through the date of a preliminary injunction hearing in Delaware scheduled on May 11, 2017, we respectfully ask the Court to postpone the oral argument to the afternoon of May 15, 2017 or May 17, 2017, when all parties are available.<sup>1</sup>

Counsel for the government has informed us that the government "takes no position on moving the oral argument date for Mr. Greebel's substantive Motions (and leaving [Mr.] Shkreli's Motions on the 26th as scheduled)." Counsel for Mr. Shkreli has no objection to our request.

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<sup>1</sup> We are available on May 12, 2017—the first date following the preliminary injunction hearing—but the government has informed us that it is not available that day.

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We are not asking the Court to postpone oral argument on Mr. Shkreli's motions scheduled for April 26. While we will not be participating in the oral argument on those motions, if the Court would like our client and an attorney other than Messrs. Brodsky and Chan to attend the hearing, we certainly have no objection and will make those arrangements.

We recognize that Your Honor scheduled oral argument on Mr. Greebel's motion to strike and motion to dismiss at Mr. Greebel's request. If Mr. Brodsky or Mr. Chan were going to be anywhere in the vicinity of New York—and not California—we would not have asked for this postponement. Moreover, we understand and respect that the Court has a very busy calendar and are very appreciative that the Court has accommodated Mr. Greebel's request for oral argument on his pending motions.

We thank Your Honor for your attention to and consideration of our request.

Respectfully submitted,

/s/ Reed Brodsky  
Reed Brodsky

/s/ Winston Chan  
Winston Chan